RECEIVED CENTRAL FAX CENTER SEP 0 1 2005



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From:

Sumit Bhattacharya

Date:

September 1, 2005

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Docket Number:

2207/11658

Total number of pages:

(formerly 219.40059X00)

(including cover)

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PETITION TO REVIVE	U.S. Patent and Trademark Office	571.273.8300	

Message:

Application No.

09/892,733

Confirmation No. 3575

Applicant

Brian J. KAMROWSKI et al.

Filed

June 28, 2001

Title

METHOD AND APPARATUS FOR CONTENT BASED HTML

CODING

TC/A.U.

2176

Examiner

Gautam SAIN

PAPER(s):

Fee Transmittal FY 2005 (plus 1 copy)

Petition To Revive-Unintentional

RECEIVED

2 pages 2 pages

11 pages

OIPE/IAP

13 pages

AMENDMENT

(With Attachments)

SEP 1 2 2005

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SEP 0 1 2005

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RECEIVED **CENTRAL FAX CENTER** SEP 0 1 2005

Docket No. 2207/11658 Formerly 219.40059X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

Brian J. KAMROWSKI et al.

SERIAL NO.

09/892,733

FILED

June 28, 2001

FOR

METHOD AND APPARATUS FOR CONTENT BASED HTML

CODING

GROUP ART UNIT:

2176

EXAMINER

Gautam SAIN

Mail Stop Petition

Commissioner of Patents P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this Appeal Brief is being facsimile transmitted to the Patent and Trademark Office, Fex No. 571 273.8300, on September 1, 2005.

PETITION UNDER 37 C.F.R. 1.137(b) TO REVIVE PATENT APPLICATION ABANDONED UNINTENTIONALLY

SIR:

Applicants respectfully requests revival of the above-identified patent application as permitted under 37 C.F.R. §1.137(b). The above-identified application became abandoned for failure to respond timely to an Office Action dated July 28, 2004. The six-month due date for a timely response was January 28, 2005. A Notice of Abandonment was mailed June 28, 2005.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Despite the filing of a Power of Attorney dated June 28, 2001 (see attached Power of Attorney document) indicating a change of correspondence address to Kenyon & Kenyon, the above-referenced Office Action and Notice of Abandonment were both mailed to Kilpatrick Stockton LLP (see attached Office Action and Notice of Abandonment). Both of these documents were forwarded to Kenyon & Kenyon after Kilpatrick Stockton LLP received the Notice of Abandonment.

Serial No.: 09/892,733

Petition to Revive dated September 1, 2005

As seen from the above, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 35 CFR 1.137(b) was unintentional.

The petition fee for revival of an unintentionally abandoned patent application pursuant to 37 C.F.R. §1.17(m) is \$1,500.00. The Commissioner is authorized to charge any additional fees or credit any overpayments to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding his petition.

Respectfully submitted, KENYON & KENYON

Date: September 1, 2005

Sumit Bhattacharya Registration No. 51,469

KENYON & KENYON 333 West San Carlos Street Suite 600 San Jose, California 95110

Tel: Fax: (408) 975-7500 (408) 975-7501

ATTACHMENTS

Power of Attorney

Office Action

Notice of Abandonment

74533

United States Patent and Trademark Office





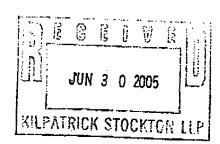


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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS

PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/892,733	06/28/2001	Brian J. Kamrowski	219.40059X00 357	
27510 759	06/28/2005		EXAM	INER
KILPATRICK 607 14TH STRE	STOCKTON LLP		SAIN, GA	MATU
WASHINGTON			ART UNIT PAPER NUMB	
			2176	
	·		DATE MAILED: 06/28/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No. Applicant(s) 09/892,733 KAMROWSKI ET AL. Notice of Abandonment Examiner **Art Unit** Gautam Sain 2176 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--This application is abandoned in view of: 1. Applicant's failure to timely file a proper reply to the Office letter mailed on 28 July 2004, ___), which is after the expiration of the (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _ period for reply (including a total extension of time of _____ month(s)) which expired on ____ (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). _ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-(c) A reply was received on ___ final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) M No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on ___ __ (with a Certificate of Malling or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$____ is insufficient. A balance of \$____ is due. The issue fee required by 37 CFR 1.18 is \$____. The publication fee, if required by 37 CFR 1.18(d), is \$___. (c) The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) No corrected drawings have been received. 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1,34(a)) upon the filing of a continuing application. 6. 🔲 The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7.

The reason(s) below: No respone to Office Action mailed 7/28/04 has been received.

6.5.

SANJIV SHAH
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

2.S. Patent and Trademark Office

PTOL-1432 (Rev. 04-01)



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Tredemerk Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Abunatify, Viginia 22313-1450

APPLICATION NO.	Fi	LING DATE	FIRST NAMED INVENTOR	OR ATTORNEY DOCKET NO. CON		
09/892,733		06/28/2001	Brian J. Kamrowski	219.40059X00	3575	
27510	7590	07/28/2004	•	EXAM	INER	
		CKTON LLP	•	SAIN, G	AUTAM .	
607 14TH ST WASHINGT			•	ART UNIT	PAPER NUMBER	
	,			2176		

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



·		14-11-11
•	Application No.	Applicant(s)
	09/892,733	KAMROWSKI ET AL.
Office Action Summary	Examiner	Art Unit
	Gautam Sain	2176
The MAILING DATE of this communication appeared for Reply	opears on the cover sheet with the o	correspondence address
A SHORTENED STATUTORY PERIOD FOR REP	LY IS SET TO EXPIRE 3 MONTH	(S) FROM
THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the portiod for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Feiture to reply within the set or extended period for reply with, by state Any reply received by the Office later than three months after the mail canned patent term adjustment. See 37 CFR 1.704(b).	i. 136(a). In no event, however, may a reply be the play within the statutory minimum of thirty (30) day dwill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONIA	mely filed ys will be considered timely. In the melling date of this communication. ED (35 U.S.C. & 133).
Status		
1) Responsive to communication(s) filed on 20	October 2003.	
	is action is non-final.	
3) Since this application is in condition for allow		
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	.53 O.G. 213.
Disposition of Claims		
4) Claim(s) 1-28 is/are pending in the application	n.	
4a) Of the above claim(s) is/are withdo		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-28</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and	or election requirement.	
Application Papers		
9) The specification is objected to by the Exami	ner.	
10) The drawing(s) filed on is/are: a) a	ccepted or b) objected to by the	Examiner.
Applicant may not request that any objection to the	ne drawing(s) be held in abeyance. So	ee 37 CFR 1.85(a).
Replacement drawing sheet(s) including the corre	ection is required if the drawing(s) is o	bjected to, See 3/ CFR 1.121(0).
11) The oath or declaration is objected to by the	Examiner, Note the attached Offic	e Action of form P 10-132.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign	gn priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some c) None of:	eta barra bara consistad	
1. Certified copies of the priority docume 2. Certified copies of the priority docume		ation No.
3. Copies of the certified copies of the pa	ionty documents have been received	ved in this National Stage
application from the International Bure		
* See the attached detailed Office action for a li		ved.
Attachment(s)		1875 AAR
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summa Paper No(s)/Mail	Date
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/C	(B) 5) Notice of Informal 6) Other:	Patent Application (PTO-152)
U.S. Potent and Trademark Office	Action Summary	Part of Paper No./Mail Date 071404

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Page 2

DETAILED ACTION

Claim Rejections - 35 USC § 101

1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1-1) Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-28 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a "useful, concrete and tangible" result.

For example, Claims 1, the "method," claim 13, the "apparatus," and claim 17, the "server" read on a mental construct/abstract idea or at best a computer program, per se. The language such as "HTML," "instructions when executed causing a computing device," "server device," etc., do not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-28 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 112

2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2-1) Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, The phrase "standard escape notation" is unclear. Please expand for clarity.

Claim Rejections - 35 USC § 102

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3-1) Claims 1,2,3,4,5,6,11,12,13,14,15,16,17,18,19,24,25,26,27,28 rejected under 35 U.S.C. 102(b) as being anticipated by <u>Unger</u> et al (US 5991713, Nov 23, 1999).

Regarding claims 1, 13, 17, Unger teaches "accessing ... data" (ie., step 200 author identifies hypertext object ... HTML files ... compiler retrieves).

Unger teaches "simplifying ... during the simplification" (ie., compiler parses ... compresses the text ...)(col 8, lines 40-53).

Unger teaches "encoding ... data," and "storing ... data"(ie., compiler parses ... compresses ... Huffman)(ie., col 8, lines 35 – 53)(also, see section on col 8, line 55, "Compression and Storage Methods").

Regarding claims 2, 15, 27, Unger teaches "transmitting ... access to the HTML data" (ie., client requests ... remote server sends compiled information including compressed text ... to the client)(col 13, lines 39 – col 14, line 35).

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Regarding claims 3, 16, 28, Unger teaches "transmitting ... computing device" (ie., compressed text is sent from remote server to client)(col 14, lines 18-34).

Regarding claims 4, 14, 26, Unger teaches "HTML data ... web page" (ie., web page)(col 12, line 41).

Regarding claims 5, 18, Unger teaches "simplification ... space ..." (ie., white space)(col 10, lines 40-50).

Regarding claims 6, 19, Unger teaches "simplification ... HTML data" (ie., compression of text files ... encoding documents ... words or strings ...)(col 8, line 55 ~ col 10, line 67).

Regarding claim 11, Unger teaches "encoding ... Huffman ... HTML data" (col 8, line 52).

Regarding claim 12, Unger teaches "storing ... cache" (ie., cache with browser)(col 12, lines 45-50; fig 11, item 86, 88).

Claim Rejections - 35 USC § 103

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4-1) Claims 7, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Unger</u> (as cited above), in view of Povilus (US 5740425, issued Apr 1998).

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Regarding claims 7, 20, Unger does not expressly teach, but Povilus teaches "simplification ... HTML data" (ie., normalizing SKU tables for catalogs; HTML data)(col 29, lines 30-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Unger to include normalizing tables for catalogs for HTML as taught by Povilus, providing the benefit of compression of SGML/HTML data on the internet (col 29, lines 30-55).

4-2) Claims 8, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (as cited above), in view of <u>Chanod</u> et al (US 6393389, filed Sep 1999).

Regarding claims 8, 21, Unger does not expressly teach, but Chanod teaches "simplification ... HTML data" (ie., HTML tags formatted)(col 23, line 39)(ie., reorder tokens)(col 20, lines 10-11)(ie., rewriting rules ... reorder entries)(col 24, lines 40-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Unger to include HTML tags formatted and rewriting rules to reorder entries as taught in Chanod, providing the benefit of formatting information and logical structure such as HTML tags (col 10, lines 14-17).

4-3) Claims 9, 22 rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Unger</u> (as cited above), in view of <u>Anderson</u> et al (US US 6021202, issued Feb 2000).

Regarding claims 9, 22. Unger does not expressly teach, but Anderson teaches "simplification ... escape notation" (ie., escape sequence ... ASCII formats)(col 19, lines 15-22).

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Page 6

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Unger to include escape sequence as taught in Anderson, providing the benefit of data compress (col 19, line 22) with HTML data (col 18, line 24).

4-4) Claims 10, 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (as cited above), in view of Burrows et al (US 5963954, issued Oct, 1999).

Regarding claims 10, 23, Unger does not teach, but Burrows teaches "simplification ... HTML data into a single byte" (ie., abc word stored as one or more bytes)(col 9, line 65 – col 10, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Unger to include storing words as one byte or more as taught in Burrows, providing the benefit of compression of data structures (col 4, lines 33-40) in extremely large and complex databases that are dispersed over millions of different computers all over the world (col 1, lines 22-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0551-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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		AITT A :		Applic	ation Number	09/892	733
		MITTAL	1	Filing	Date	June 2	3, 2001
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(to be used for all con	rrespo	ndence after in	nitial filing)	Art Ur	ıît	2176	
			Exam	iner Name	lame To be assigned		
Total Number of Page	s in Th	nis Submission	3.	Attorn	ey Docket Number	02207/	11658
			ENCL	OSURES	(check all that apply)		
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Extension of Time Request Power-Change			of Attorn e of Con	ey, Revocation respondence Address	⊠ Oth	er Enclosure(s) se Identify below):	
Express Abandonment Request Request		al Discla			Certificate under 37 CFR 3.73(b)		
Information Disck	☐ Information Disclosure Statement ☐ CD, Nu			ımber of	CD(s)		
Certified Copy of Document(s)	Priorit	у	Rema	rks			
Response to Miss Incomplete Applic		arts/					
Response to Parts under 3 1.52 or 1.53			·	٠			
		SIGNA	TURE OF	APPLIC	ANT, ATTORNEY, C	R AGEN	T
Firm or Individual name	KEN	IYON & KENY	ON by Shaw	n W. O'E	Dowd, Reg. No. 34,687		
Signature	Signature Ro'2						
Date 10/2/03							
			CE	RTIFIC	ATE OF MAILING		
I hereby certify that to Service with sufficier Alexandria, VA 22313	nt pos	tage as first o	ni liem aask	simile tra an env	nsmitted to the USPTC valope addressed to: C	or deposition	ed with the United States Postal er for Patents, P.O. Box 1450,
Typed or printed nam	е						
Signature						Date	!

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PTC/SB/81 (05-03)
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Order the Paternova Acuscular Act of 1889. To defents a	Application Number	09/892,733		
	Filing Date	June 28, 2001		
POWER OF ATTORNEY OR	First Named Inventor	Brian J. Kamrowski et al. 2176		
AUTHORIZATION OF AGENT	Art Unit			
	Examiner Name	To be assigned		
	Attorney Docket Number	02207/11658		

I hereby appoint: I hereby appoint: Practitioners at Customer Number OR Practitioner(s) named below:						→	Place Cu Number i Label hei	Bar Code		***
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I am the:	ant/Invento	ਯ.								
🛛 Assigi	nee of reco	rd of the entire into	erest. See 37 CFR 3	.71.						
Certific	ate under	37 CFR 3.73(b) is	enclosed. (Form PTC)/SB/96).					
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NOTE: Signa	atures of a	If the inventors of	r assignees of reconsignature is required	d of the	entire i	nterest	or their rep	resentative	(s) a	re required.
✓ Total	of one (1)	forms are submi	tted.	, 344 D	DIUW .					

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STATEMENT UNDER 37 CFR 3.73(b)	RECEIVED
Applicant/Patent Owner: Intel Corporation	CENTRAL FAX CENTER
Application No./Patent No.: 09/892,733 Filed/Issue Date: June 28, 2001	SEP 0 1 2005
Entitled: METHOD AND APPARATUS FOR CONTENT BASED HTML CODING	-
	.
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.	c.)
states that it is:	
1. 🔯 the assignee of the entire right, title, and interest; or	<u> </u>
2. an assignee of less than the entire right, title, and interest	
The extent (by percentage) of its ownership interest is%	
in the patent application/patent identified above by virtue of either:	
A An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012419, Frame 0816, or for which a copy thereof is attached.	
OR	
B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:	
To: The document was recorded in the United States Patent and Trademark Office at Reel, or for which a copy thereof is attached.	·
From: To: The document was recorded in the United States Patent and Trademark Office at Reel, or for which a copy thereof is attached.	
3. From: To: The document was recorded in the United States Petent and Trademark Office at Reel, Frame, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet.	
Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]	
The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee. The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee. The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee. The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee. The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee. The undersigned (whose title is supplied below) is empowered to sign this-statement on behalf of the assignee.	
(408) 765-1144 Pam Mattock	
Telephone Number Typed or printed name	
Secretary of Patents Title	

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